



DATE: October 12, 2017
TO: Programs and Administration Committee
FROM: Wendy Sommer, Executive Director
BY: Eric Engelbart, Legislative and Regulatory Affairs Manager
SUBJECT: 2017 Legislative Update

SUMMARY

The first year of the 2017/18 legislative session has now adjourned and the state legislature is on recess. The Governor has until October 15 to sign or veto bills that were passed prior to the September 15 deadline.

In advance of the current session, the Waste Management Authority Board approved the following two legislative priorities at its December 21, 2016 meeting:

- Organics legislation and regulations
- Extended Producer Responsibility

This memo provides an update on the various bills and other legislative efforts for which the Agency took a position or played an active role. Staff will return to the Board in December 2017 to obtain input on priorities for the 2018 legislative year.

DISCUSSION

Organics:

In September 2016, Governor Brown signed SB 1383 into law, which established targets to achieve a 50% statewide reduction in disposed organic waste by 2020, and a 75% reduction by 2025. In order to achieve those targets, CalRecycle is now conducting informal workshops in advance of the formal rulemaking process that is expected to begin next year. Although the regulations will not take effect until 2022, adopting rules in 2019 is intended to allow regulated entities approximately three years to plan and implement necessary budgetary, contractual, and other programmatic changes. StopWaste staff have been actively participating and submitting comments as part of these workshops while looking out for the interests of member agencies, and expect to continue such efforts as the formal rulemaking process commences next year.

This past year, the legislature also considered three key bills related to food waste reduction, all of which passed through both houses of the legislature. As of the date of this staff report, one of those bills (SB 557) was signed into law and the other two are awaiting the Governor's consideration. An overview of each of those bills is provided below. Links to the full text of the legislation have been embedded in the respective bill numbers.

[AB 954 \(Chiu\)](#) - Food Labeling

This legislation would require the California Department of Public Health and California Department of Food and Agriculture to publish guidelines that encourage industry adoption of uniform date label standards, in an effort to reduce food waste. This past February, the Grocery Manufacturing Association and Food Marketing Institute launched a voluntary labelling program to limit food labels to two: "BEST IF USED BY" for quality/freshness, and "USE BY" for safety/perishability. This legislation was sponsored by Californians Against Waste and StopWaste was an active supporter.

[AB 1219 \(Eggman\)](#) - Food Donations – Expansion of Good Samaritan Law

Current law specifies that a food facility that donates any food that is fit for human consumption at the time it was donated to a nonprofit charitable organization or food bank is not liable for damage or injury resulting from the consumption of the donated food, unless the injury resulted from negligence or a willful act in its preparation or handling. This bill would expand these provisions to persons and gleaners who donate food, as defined. The bill would also narrow the exception to protection from liability to injury resulting from gross negligence or intentional misconduct. This legislation was sponsored by Californians Against Waste and StopWaste was an active supporter.

[SB 557 \(Hernandez\)](#) - School Food Donations

Current law generally prohibits food that is unused or returned by the consumer, after being served or sold and in the possession of a consumer, from being offered as food for human consumption. This bill would exempt from this prohibition specified food that food service staff, students, and faculty return to a sharing table at a local educational agency, and that is made available to students during the course of a regular school meal time or then donated to a food bank or any other nonprofit charitable organization. This legislation was sponsored by the Los Angeles Unified School District and StopWaste was an active supporter. Governor Brown signed this legislation into law on September 25, 2017.

Extended Producer Responsibility:

One extended producer responsibility bill that the agency actively supported passed through both houses of the legislature and is awaiting review by the Governor:

[AB 1158 \(Chiu\)](#) - Carpet Recycling

Current law requires a manufacturer of carpets sold in California to submit, either individually or through a carpet stewardship organization, a carpet stewardship plan that meets specified requirements to the Department of Resources Recycling and Recovery. This bill would provide that it is the goal of the state to reach a 24% recycling rate for postconsumer carpet by January 1, 2020, and to meet or exceed

that rate continually thereafter. The bill also would require a carpet stewardship plan to achieve a 24% recycling rate for postconsumer carpet by January 1, 2020, and to include quantifiable 5-year goals and annual goals. This legislation was sponsored by the California Product Stewardship Council (CPSC) and is considered a Green California Priority Bill.

Miscellaneous/ Other:

Cap & Trade Extension and AB 109 (Ting) – Budget Act of 2017

This past July, state lawmakers approved a 10-year extension for California's landmark cap-and-trade program, which requires companies throughout the state to buy permits to release greenhouse gas emissions. The necessary two-thirds vote came with bipartisan support, representing a significant shift from prior years.

The Budget Act of 2017 made appropriations for the support of state government for the 2017–18 fiscal year, and was further amended by AB 109, which was signed into law by the Governor on September 16, 2017. This particular bill authorized an additional \$40 million appropriation from the Greenhouse Gas Reduction Fund for the California Department of Resources Recycling and Recovery (CalRecycle). This funding will enable CalRecycle to expand their Greenhouse Gas Reduction Fund programs, which are designed to reduce greenhouse gas emissions through waste reduction, recycled content manufacturing, composting, and edible food recovery.

Bottle Bill Reform

As discussed in detail at the July 26 WMA Board meeting, outdated regulations and falling commodity prices have led to the closure of more than 560 recycling centers across the state in the last two years, representing approximately 25% of California's redemption infrastructure. Recycling rates once at a high of 85% have dropped below 80% for the first time since 2008, with the latest rates at approximately 77%. Following Senator Wieckowski's unsuccessful effort earlier this year to achieve comprehensive bottle bill program reform via [SB 168](#), the WMA Board voted on July 26 to support [SB 102](#). This more modest reform effort would have returned recycler reimbursement levels to 2015 levels, provided added incentives and flexibility in siting recycling centers in underserved areas, and potentially increased the size of convenience zones.

However, like SB 168, this legislation failed to advance to the Governor's desk. As a result, it is anticipated that bottle bill reform will continue to be a legislative priority for the Agency next year. Staff will include policy language supporting such efforts in the 2018 legislative priorities memo that will be brought forward to the WMA Board at the December 2017 Board meeting.

[SB 564](#) (McGuire) - Water Bill Savings Act

This legislation would authorize joint powers authorities in certain specified counties (including Alameda County) to provide funding for a customer of a local agency to issue bonds to fund the purchase, installation or repair of water efficiency improvements on customers' properties. Such improvements could include drought tolerant landscapes, upgrades to hot water systems, gray water systems, high-

efficiency toilets, or high-efficiency showerheads. The costs for such improvements could then be reimbursed via customers' monthly water bills.

Status: Enrolled and presented to the Governor's desk for consideration

[AB 262 \(Bonta\)](#) - GHG Disclosure for State Contracts

This legislation would require a bidder for certain State contracts to complete a standard form that explicitly states the cumulative amount of specified greenhouse gas (GHG) emissions that were produced in the material extraction and processing, transport to the manufacturing site, and the manufacturing of eligible materials. The bill was sponsored by the Sierra Club.

Status: Enrolled and presented to the Governor's desk for consideration

Final Status of Various Other Bills for which the Agency took a position in 2017 (categorized by topic area):

Extended Producer Responsibility

- | | |
|---|--|
| 1. <u>SB 212</u> (Jackson) Medical Waste
Position: Support
Status: Has become a two-year bill | Inclusion for Incineration of Garbage.
Position: Oppose
Status: Has become a two-year bill |
|---|--|

Organics/Composting/Food Recovery/Compost Market Development

2. [AB 1036](#) (McCarty) Organic Infrastructure Development
Position: Support
Status: Has become a two-year bill
3. [SB 780](#) (Wiener) Water Conservation in Landscaping Act
Position: Support
Status: Has become a two-year bill
4. [AB 920](#): (Curry) California Renewables Portfolio Standard Inclusion for Biomass
Position: Support
Status: Has become a two-year bill
5. [AB 655](#) (O'Donnell) California Renewables Portfolio Standard

Packaging

6. [AB 319](#) (Stone) Single Use Plastic Beverage Container Lids
Position: Support
Status: Has become a two-year bill
7. [AB 567](#) (Quirk-Silva) Water Bottle Refilling Stations at Schools.
Position: Support
Status: Has become a two-year bill
8. [AB 958](#) (Ting) Hazardous Materials: Perfluoroalkyl and Polyfluoroalkyl Substances.
Position: Support
Status: Has become a two-year bill
9. [AB 1287](#) (Acosta) Plastic Product Marketing Claims
Position: Watch
Status: Has become a two-year bill

- 10. AB 1294 (Berman) Plastic Product Marketing Claims
Support
Status: Enrolled and presented to the Governor's desk for consideration
- 11. AB 1594 (Bloom) Ocean Plastic Pollution Data
Position: Watch
Status: Has become a two-year bill
- 12. AB 1659 (Low) Food Service Plastic Packaging Recovery and Recycling
Position: Oppose
Status: Has become a two-year bill
- 13. SB 705 (Allen) Disposable Food Service Containers – Phase out of Polystyrene Containers
Position: Support
Status: Has become a two-year bill
- 15. AB 1288 (Eggman) Solid Waste Disposal Fees
Position: Support
Status: Has become a two-year bill
- 16. AB 1572 (Aguiar-Curry) Integrated Waste Management Plans
Position: Watch
Status: Signed into Law by Governor
- 17. AB 509 (Frazier) Tire Recycling Incentive Payment Program.
Position: Support
Status: Held in Committee, now a two-year bill
- 18. AB 444 (Ting) Home-Generated Medical Waste
Position: Support
Status: Has become a two-year bill

Miscellaneous

**Materials Flow/Franchise/
Enforcement/Fees**

- 14. AB 1147 (Salas) Solid Waste Management Enforcement – increased penalties for recyclables theft.
Position: Watch
Status: Has become a two-year bill

- 19. SB 258 (Lara) Cleaning Product Right to Know Act of 2017
Position: Support
Status: Enrolled and Presented to Governor for consideration

RECOMMENDATION

None. This item is for information only.